

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

LINDA FAIRSTEIN, )  
 )  
 Plaintiff, ) Case No: 2:20-cv-180  
 )  
 v. )  
 )  
 NETFLIX, INC., AVA DUVERNAY, )  
 and ATTICA LOCKE, )  
 )  
 Defendants. )

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**UNOPPOSED JOINT MOTION FOR EXTENSION OF TIME FOR OPPOSITION AND  
LEAVE TO FILE REPLY MEMORANDA**

Plaintiff Linda Fairstein, pursuant to Rule 6(b)(1)(A), Federal Rules of Civil Procedure, and Local Rule 3.01, moves this Court for an extension of time to July 1, 2020, to file her memoranda in opposition to the motions to dismiss that Defendants filed on May 18, 2020. Defendants Netflix, Inc, Ava DuVernay, and Attica Locke also seek leave to file reply memoranda in support of their motions. The reasons for this motion are set forth below.

**MEMORANDUM IN SUPPORT**

Defendant Netflix, Inc. previously obtained permission from this Court to increase its page limit for its motion to dismiss and supporting memorandum from twenty-five pages to forty pages [Dkt. 23]. In its motion for leave to exceed the 25-page limit, Netflix explained:

Plaintiff's Complaint is 119 pages and contains 382 paragraphs and more than 200 footnotes, citing to and relying upon a host of publications and public records.... While Netflix has endeavored to make its presentation as succinct as possible, *the complexity and importance of the Constitutional and common law issues it raises necessitate an enlargement of the Court's page limits.* (Emphasis added).

Because of "the complexity and importance" of the issues, as well as existing commitments in other cases and the unprecedented circumstances surrounding COVID-19 that have complicated

the logistical aspects of counsels' day-to-day work, Plaintiff seeks additional time to respond to Netflix's motion to dismiss. The other two individual Defendants have filed a separate motion to dismiss on jurisdictional and venue grounds. Netflix also has filed a special motion to strike. Plaintiff would prefer to respond to all motions on the same day. Further, Plaintiff is evaluating whether she will need to seek leave to conduct discovery on the jurisdictional issues that have been raised.

Rule 3.01(b), Local Rules, United States District Court, Middle District of Florida, requires a party to respond to a motion within fourteen (14) days from the date the motion was filed. Plaintiff's responses are currently due on June 1, 2020, and Plaintiff moves to extend this deadline to July 1, 2020.

To fully address the issues raised in Plaintiff's opposition memoranda, and for the Court's benefit given the issues, Defendants seek leave, pursuant to Rule 3.01(c), to file reply memoranda in support of their motions to dismiss on or before July 29, 2020.

**Local Rule 3.01(g) Certification**

Pursuant to Rule 3.01(g), Local Rules, United States District Court, Middle District of Florida, Plaintiff's counsel has conferred with counsel for Defendants, and they do not oppose the requested extension until July 1, 2020. However, Defendants would oppose a request by Plaintiff for leave to conduct jurisdictional discovery, if Plaintiff files such a motion, and reserve all rights to object to such a motion. Further, Plaintiff does not oppose Defendants' request for leave to file reply memoranda by July 29, 2020.

For the foregoing reasons, Plaintiff and Defendants respectfully ask this Court to grant this motion and allow Ms. Fairstein to file her memoranda in opposition to Defendants' motions to

dismiss and strike by July 1, 2020, for all Defendants leave to file reply memoranda in support of their motions by July 29, 2020, and for such further relief as this Court deems just and proper.

Respectfully submitted,

By: /s/ EDWARD K. CHEFFY

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of May, 2020 a copy of the foregoing was filed electronically via the ECF filing system.

/s/ EDWARD K. CHEFFY